

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

**NATIONAL RAILROAD PASSENGER
CORPORATION et al,**

Plaintiffs,

v.

Case No: 2:22-cv-00037-NAB

MS CONTRACTING LLC,

Defendants.

MOTION FOR EXTENSION OF TIME TO ANSWER

COMES NOW Defendant, MS Contracting LLC, by and through their attorneys of record, McCausland Barrett & Bartalos P.C., and requests from this Court an extension of time to respond to Plaintiffs' Complaint, filed on June 30, 2022, until the Court rules on its Motion to Stay Litigation Proceedings Pending NTSB Investigation. In support of its Motion, Defendant states as follows:

1. Defendant has filed a Motion to Stay Litigation Proceedings Pending NTSB Investigation.
2. This Motion to Stay is based on the fact that this matter arises out of a train/truck collision wherein an Amtrak train collided with a truck operated by MS Contracting LLC at a BSNF grade crossing located near Mendon, Missouri, on June 27, 2022. Due to the nature of this incident, the National Transportation Safety Board ("NTSB") immediately undertook an investigation.
3. Defendant is a party to NTSB's investigation and, as a result, is specifically prohibited from the release of information obtained during the investigation.

4. Answering Plaintiffs' Complaint would likely result in the release of information obtained during NTSB's investigation or, in the alternative, Defendant would be unable to answer many of Plaintiffs' allegations.

5. If Defendant is required to file its Answer prior to the Court's ruling on Defendant's Motion to Stay, its Answer would not provide much information to the Plaintiff or Defendant would be required to release information it is not legally permitted to release.

6. No party will be prejudiced by the requested extension and same is not made for the purpose of unnecessary delay.

WHEREFORE, Defendant, MS Contacting LLC, requests an extension of time until the Court has ruled on its Motion to Stay Litigation Proceedings Pending NTSB Investigation to file its Answer in response to Plaintiffs' Complaint.

McCAUSLAND BARRETT & BARTALOS P.C.

/s/ Clinton S. Turley

Todd C. Barrett MO #40032

Mark D. Chuning MO #43685

Clinton S. Turley MO #66898

Bailey M. Schamel MO #72111

9233 Ward Parkway, Suite 270

Kansas City, Missouri 64114

(816) 523-3000/FAX (816) 523-1588

tbarrett@mbblawfirmkc.com

mchuning@mbblawfirmkc.com

ATTORNEYS FOR DEFENDANT

I hereby certify that a copy of the above and foregoing was emailed through the Court's efilng system this 15th day of July, 2022 to:

Sean P. Hamer
SCHARNHORST AST PC – Kansas City
1100 Walnut Street
Suite 1950
Kansas City, Missouri 64106
816-268-9400
816-268-9409 (fax)
shamer@sakg.com
ATTORNEY FOR PLAINTIFF

/s/ Clinton S. Turley _____

Clinton S. Turely
For the Firm